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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,485	02/13/2004	John Archer	577-526 CON	8069
23869	7590	06/07/2004	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			HARRIS, ANTON B	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/779,485	ARCHER ET AL.
Examiner	Art Unit	
Anton B Harris	2831	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 13 February 2004

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Doherty (6,147,304).

Regarding claim 1, Doherty (col. 2, lines 1-67) discloses a single gang electrical outlet box assembly comprising:

a generally rectangular electrical box 10 (see fig 1) having a first side wall 17 spaced apart from a second side wall 29 (see fig 1), said first 17 and second 29 side walls defining a first mounting axis therebetween generally parallel to said side walls 17, 29 and

a supporting structure 40 (see figs 1-2) extending from said first side wall 17, and a first mounting axis (fig 1 above reference line 23),

the first (fig 1 above reference line 23) and second (fig 1 above reference line 23) mounting axes being substantially equidistant from a centerline of the first side wall 17, with the first mounting axis (fig 1 above reference line 23) being closer to the first side wall 17 than the second side wall 29.

Regarding claim 2, Doherty (col. 2, lines 1-67) discloses said electrical box further comprises a back wall 19 extending between said first 17 and second 29 side walls (see fig 2).

Regarding claims 3 and 13, Doherty (col. 2, lines 1-67) discloses an electrical box further comprises a top wall 15 and a bottom wall 16 connecting said first and second side walls. (see fig 1).

Regarding claim 4, Doherty (col. 2, lines 1-67) discloses access openings 21 adjacent said first and second side walls (see column 6 lines 50-53).

Regarding claim 5, Doherty (col. 2, lines 1-67) discloses said top 15 and bottom 16 walls include mounting flanges on an exterior surface of said top 15 and bottom 16 walls (see fig 1).

Regarding claims 6-7, Doherty (col. 2, lines 1-67) discloses that said electrical fixture is selected from the group consisting of switches and receptacles (see column 2 lines 64-67, column 3 lines 1-5).

Regarding claim 8, Doherty (col. 2, lines 1-67) discloses that a supporting structure comprises an upper leg 50 (near ref number 15) spaced apart from a lower leg 50 (near ref number 16), said upper 50 (near ref number 15) and lower 50 (near ref number 16) legs connecting said first side wall 17 to a joining strut 52 extending between distal ends of said upper (near ref number 15) and lower (near ref number 16) legs.

Regarding claim 9, Doherty (col. 2, lines 1-67) discloses that upper (near ref number 15) and lower legs (near ref number 16) mounting elements located along said second mounting access (fig 1 above reference line 23).

Regarding claim 11, Doherty (col. 2, lines 1-67) discloses a multigang outlet comprising: a generally rectangular electrical box 10 (see fig 1) having a first side wall 17 spaced apart from a second side wall 29 (see fig 1), said electrical box 10 defining a first electrical fixture mounting axis adjacent said first side wall (see fig 1) and

a support structure 40 external of said first side wall (see figs 1-2), and a second electrical fixture mounting axis (figure 2 above ref line 24) adjacent said second side wall 29, each of said fixture mounting axes being generally parallel to said side walls 17, 29; a third mounting axis (fig 2 above ref line 44) generally parallel to said first side wall 17 (see fig 1), said first (fig 1 above reference line 23) and third mounting axis (fig 2 above ref line 44) being substantially equidistant from a central line of said first side wall 17 and said first mounting axis (fig 1 above reference line 23) being closer to said first side wall 17 than said second mounting axis (fig 1 above reference line 23) is to said second side wall.

Regarding claim 12, Doherty (col. 2, lines 1-67) discloses a back wall 19 extending between said first and second side walls (see fig 1).

Regarding claim 14, Doherty (col. 2, lines 1-67) discloses access openings 21 adjacent said first and second side walls (see column 6 lines 50-53).

Regarding claim 15, Doherty (col. 2, lines 1-67) discloses mounting flanges on an exterior surface of said top 15 and bottom 16 walls (see fig 1).

Regarding claims 16-17, Doherty (col. 2, lines 1-67) discloses that an electrical fixture is selected from the group consisting of switches and receptacles (col. 2 lines 64-67, col 3 lines 1-5).

Regarding claim 18, Doherty (col. 2, lines 1-67) discloses a generally rectangular housing 10 having a back wall 19, a perimetrical side wall 17 extending from said back wall 19 and an open front face defining a box interior,

said perimetrical wall including opposed top 15 and bottom 16 walls and opposed side walls (see fig 1), each of said top 15 and bottom 16 walls including mounting members 23, 24

said mounting members being aligned along an axis generally parallel to said side walls (see fig 1), and said axis being closer to one of said side walls 17, 29 than to the other side wall 17, 29.

Regarding claim 19, a single gang electrical outlet box comprising:

an electrical outlet box having a box interior defined between a first sidewall 17 and a second side wall 29, and

a support structure 40 (see figs 1-2) extending from said first side wall,

said outlet box including electrical fixture mounting members 23, 24 being spaced apart along a first axis between and generally parallel to said first 17 and second 29 side walls; and said support structure including communication fixture mounting members being spaced apart along a second axis exterior and generally parallel to said first side wall, said first and second axes being generally equidistant from said first side wall; said first axis being non-centrally located between said first and second side walls.

2. Claim 10 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Doherty in view of Hansson (5,568,362).

Regarding claim 10, Doherty discloses the invention substantially as claimed, but lacks a first side wall further comprising cable holding flanges.

Hansson teaches a cable 18 holding flange 23.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Doherty by providing a cable holding flange in order to secure cables within the box in view of the teachings of Hansson.

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fabian et al. U.S. Patent No. 5,594,207 discloses ganged junction boxes.

Schnell et al. U.S. Patent No. 4,844,275 discloses ganged junction boxes including mounting axes.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh  
6/1/04



ANTHONY DINKINS  
PRIMARY EXAMINER